

IC 12-19

**ARTICLE 19. COUNTY WELFARE
ADMINISTRATION AND FINANCING**

IC 12-19-1

Chapter 1. County Offices of Family and Children

IC 12-19-1-1

Establishment

Sec. 1. A county office of family and children is established in each county.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.157; P.L.5-1993, SEC.170.

IC 12-19-1-2

County director; appointment

Sec. 2. (a) The director of the division, in consultation with the director of the department of child services, shall appoint a county director in each county.

(b) The director shall appoint each county director:

- (1) solely on the basis of merit; and
- (2) from eligible lists established by the state personnel department.

(c) Each county director must be a citizen of the United States.

As added by P.L.2-1992, SEC.13. Amended by P.L.234-2005, SEC.42.

IC 12-19-1-3

County director; executive and administrative officer

Sec. 3. The county director is the executive and administrative officer of the county office.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.158; P.L.5-1993, SEC.171.

IC 12-19-1-4

County director; compensation

Sec. 4. (a) A county director is entitled to receive as compensation for the county director's services an amount determined by the division that is within:

- (1) the lawfully established appropriations; and
- (2) the salary ranges of the pay plan adopted by the state personnel department and approved by the budget committee.

(b) Compensation paid to a county director shall be paid in the same manner that compensation is paid to other state employees.

As added by P.L.2-1992, SEC.13.

IC 12-19-1-5

County director; travel expenses and per diem for lodging and meals

Sec. 5. (a) In addition to the compensation paid under this article,

a county director may receive for each mile necessarily traveled in the discharge of the county director's duties the same amount per mile that other state employees receive.

(b) A county director is also entitled to a per diem for lodging and meal expenses if the county director's official duties require the county director to travel outside of the county director's county. The per diem for a county director's lodging and meals shall be paid at the rate set by law for other state employees.

(c) An amount to be paid under this section for traveling expenses or for a per diem for lodging and meals shall be paid only if the amount has been made available by appropriation.

As added by P.L.2-1992, SEC.13.

IC 12-19-1-6

County director; bond; oath

Sec. 6. Before beginning the discharge of the county director's official duties, a county director must do the following:

(1) Execute a bond payable to the state. The following apply to a bond executed under this section:

(A) The bond must be conditioned on the faithful discharge of the county director's official duties.

(B) The bond must be executed in an amount determined under rules adopted by the division.

(2) Take and subscribe an oath for the faithful discharge of the county director's official duties. The oath must be endorsed upon the county director's official bond.

(3) File the bond and oath executed under this section in the office of the clerk of the circuit court.

As added by P.L.2-1992, SEC.13.

IC 12-19-1-7

County directors; assistants; compensation

Sec. 7. (a) The county director shall appoint from eligible lists established by the state personnel department the number of assistants necessary to:

(1) administer the welfare activities within the county that are administered by the division under IC 12-13 through IC 12-19 or by an administrative rule, with the approval of the director of the division; or

(2) administer the child protection services and child welfare activities within the county that are the responsibility of the department under IC 12-13 through IC 12-19 and IC 31-33-1.5 or by an administrative rule, with the approval of the director of the department.

(b) The:

(1) division, for personnel performing activities described in subsection (a)(1);

(2) department, for personnel performing activities described in subsection (a)(2); or

(3) the division and the department jointly for personnel

performing activities in both subsection (a)(1) and (a)(2); shall determine the compensation of the assistants within the salary ranges of the pay plan adopted by the state personnel department and approved by the budget agency, with the advice of the budget committee, and within lawfully established appropriations.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.159; P.L.5-1993, SEC.172; P.L.234-2005, SEC.43.

IC 12-19-1-8

Administration; costs of personal services; payment by division or department

Sec. 8. (a) Except as provided in subsection (b), the costs of personal services in the administration of a county office's duties under this article if the employment is necessary for the administration of the county office's duties imposed upon the county office by this article and rules prescribed by the division or the department shall be paid by the following:

- (1) The division, for activities described in section 7(a)(1) of this chapter.
- (2) The department, for activities described in section 7(a)(2) of this chapter.

(b) The division and the department shall negotiate and agree to the payment of personnel services within the administration of a county office for activities that qualify under both section 7(a)(1) and 7(a)(2) of this chapter.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.160; P.L.5-1993, SEC.173; P.L.234-2005, SEC.44.

IC 12-19-1-9

Facilities, supplies, and equipment; office space lease and rental obligations

Sec. 9. (a) The division shall provide the necessary facilities to house the county office.

(b) The division shall pay for the costs of the facilities, supplies, and equipment needed by each county office, including the transfer to the county that is required by IC 12-13-5.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.161; P.L.5-1993, SEC.174; P.L.273-1999, SEC.90.

IC 12-19-1-10

Administration

Sec. 10. (a) Subject to the rules adopted by the director of the division, a county office shall administer the following:

- (1) Assistance to dependent children in the homes of the dependent children.
- (2) Assistance and services to elderly persons.
- (3) Assistance to persons with disabilities.
- (4) Care and treatment of the following persons:
 - (A) Dependent children.
 - (B) Children with disabilities.

(5) Provision of family preservation services.

(6) Any other welfare activities that are delegated to the county office by the division under this chapter, including services concerning assistance to the blind.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.162; P.L.5-1993, SEC.175; P.L.23-1993, SEC.54; P.L.61-1993, SEC.60; P.L.1-1994, SEC.67; P.L.74-1994, SEC.4; P.L.234-2005, SEC.45.

IC 12-19-1-11

County director or assistants; performing as probation officer or agent of court

Sec. 11. (a) A court having jurisdiction over persons on probation may direct the county director and the county director's assistants to perform the functions of a probation officer or of an agent of the court in a welfare matter before the court. A county director and the county director's assistants acting under this section shall do the following:

(1) Act under the supervision of the court.

(2) Comply with Indiana law concerning probation.

(b) A county office shall report to the division at the times and in the manner directed by the division.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.163; P.L.5-1993, SEC.176.

IC 12-19-1-12

Placement of delinquent children in foster family homes; approval

Sec. 12. A county office may place and supervise delinquent children in foster family homes only with the approval of all of the following:

(1) The juvenile court.

(2) The probation department.

(3) The county office.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.164; P.L.5-1993, SEC.177; P.L.61-1993, SEC.61; P.L.1-1994, SEC.68.

IC 12-19-1-13

Power to sue and be sued; rights, powers, and duties necessary to administer act; filing of suits; notices and summonses

Sec. 13. (a) A county office may sue and be sued under the name of "The County Office of Family and Children of _____ County".

(b) The county office has all other rights and powers and shall perform all other duties necessary to administer this chapter.

(c) A suit brought against a county office may be filed in the following:

(1) The circuit court with jurisdiction in the county.

(2) A superior court or any other court of the county.

(d) A notice or summons in a suit brought against the county office must be served on the county director. It is not required to name the individual employees of the county office as either plaintiff

or defendant.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.165; P.L.5-1993, SEC.178.

IC 12-19-1-14

Adoption fees; deposit; rules governing expenditures; reduction or waiver of charges

Sec. 14. (a) A county office may charge the following adoption fees:

- (1) An adoption placement fee that may not exceed the actual costs incurred by the county office for medical expenses of children and mothers.
- (2) A fee that does not exceed the time and travel costs incurred by the county office for home study and investigation concerning a contemplated adoption.

(b) Fees charged under this section shall be deposited in a separate account in the county family and children trust clearance fund established under section 16 of this chapter. Money deposited under this subsection shall be expended by the county office for the following purposes without further appropriation:

- (1) The care of children whose adoption is contemplated.
- (2) The improvement of adoption services provided by the county departments.

(c) The director of the division may adopt rules governing the expenditure of money under this section.

(d) The division may provide written authorization allowing a county office to reduce or waive charges authorized under this section in hardship cases or for other good cause after investigation. The division may adopt forms on which the written authorization is provided.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.166; P.L.5-1993, SEC.179; P.L.273-1999, SEC.91.

IC 12-19-1-15

Gifts, devises, and bequests of personal property; investment; special fund; expenditures

Sec. 15. (a) A county office may receive and administer a gift, devise, or bequest of personal property, including the income from real property, that is:

- (1) to or for the benefit of a home or an institution in which dependent or neglected children are cared for under the supervision of the county office; or
- (2) for the benefit of children who are committed to the care or supervision of the county office.

(b) A county office may invest or reinvest money received under this section in the same types of securities in which life insurance companies are authorized by law to invest the money of the life insurance companies.

(c) The following shall be kept in a special fund and may not be commingled with any other fund or with money received from

taxation:

- (1) All money received by the county office under this section.
- (2) All money, proceeds, or income realized from real property or other investments.

(d) Subject to the approval of the judge or the court of the county having probate jurisdiction, money described in subsection (c)(1) or (c)(2) may be expended by the county office in any manner consistent with the purposes of the fund's creation and with the intention of the donor.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.167; P.L.5-1993, SEC.180.

IC 12-19-1-16

Receipt and administration of money available to or for the benefit of persons receiving payments or services

Sec. 16. (a) This section does not apply to money received to reimburse the county family and children's fund for expenditures made from the appropriations of the county office.

(b) A county office may receive and administer money available to or for the benefit of a person receiving payments or services from the county office. The following applies to all money received under this section:

(1) The money shall be kept in a special fund known as the county family and children trust clearance fund and may not be commingled with any other fund or with money received from taxation.

(2) The money may be expended by the county office in any manner consistent with the following:

(A) The purpose of the county family and children trust clearance fund or with the intention of the donor of the money.

(B) Indiana law.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.168; P.L.5-1993, SEC.181; P.L.273-1999, SEC.92.

Repealed

(Repealed by P.L.273-1999, SEC.124.)

IC 12-19-1-18

Designation of responsible person to act for and receive assistance on behalf of applicant or recipient; fee for services

Sec. 18. (a) After petition to and with the approval of the judge of the circuit court, a county office may take the actions described in subsection (b) if:

(1) an applicant for public assistance is physically or mentally incapable of completing an application for assistance; or

(2) a recipient of public assistance:

(A) is incapable of managing the recipient's affairs; or

(B) refuses to:

(I) take care of the recipient's money properly; or

(ii) comply with the director of the division's rules and

policies.

(b) If the conditions of subsection (a) are satisfied, the county office may designate a responsible person to do the following:

- (1) Act for the applicant or recipient.
- (2) Receive on behalf of the recipient the assistance the recipient is eligible to receive under any of the following:
 - (A) This chapter.
 - (B) IC 12-10-6.
 - (C) IC 12-14-1 through IC 12-14-9.5.
 - (D) IC 12-14-13 through IC 12-14-19.
 - (E) IC 12-15.
 - (F) IC 12-17-1 through IC 12-17-3.
 - (G) IC 16-35-2.

(c) A fee for services provided under this section may be paid to the responsible person in an amount not to exceed ten dollars (\$10) each month. The fee may be allowed:

- (1) in the monthly assistance award; or
- (2) by vendor payment if the fee would cause the amount of assistance to be increased beyond the maximum amount permitted by statute.

As added by P.L.2-1992, SEC.13. Amended by P.L.2-1993, SEC.111; P.L.4-1993, SEC.170; P.L.5-1993, SEC.183; P.L.273-1999, SEC.93.

IC 12-19-1-19

Persons who may be designated under IC 12-19-1-18; costs of appointment proceedings

Sec. 19. (a) A responsible person approved under section 18 of this chapter preferably must be a relative or friend of good moral character whose interest is limited to the well-being of the applicant or recipient. However, the responsible person may not be any of the following:

- (1) An employee of the county office.
- (2) The superintendent of a county home.
- (3) A person directly or indirectly financially connected with a health facility or an institution giving care to the recipient.
- (4) A person directly or indirectly connected with the operation of a health facility or an institution giving care to the recipient.

(b) Costs may not be charged by a person or public official in proceedings concerning the appointment of a responsible person under section 18 of this chapter.

As added by P.L.2-1992, SEC.13. Amended by P.L.4-1993, SEC.171; P.L.5-1993, SEC.184.

IC 12-19-1-20

Responsible persons; financial reports; termination of powers; use of assistance money received

Sec. 20. (a) A responsible person appointed under section 18 of this chapter shall make financial reports concerning the services provided by the responsible person at the time and in the manner prescribed by the circuit court. A responsible person shall account to

the circuit court at least one (1) time every two (2) years. The circuit court may make rules regulating the administration and accounting of money paid to a responsible person.

(b) The powers of a responsible person, other than the filing of a final account for the approval of the circuit court, terminate on the appointment of a guardian for the recipient.

(c) Public assistance money received by a responsible person shall be used solely for the benefit of the recipient or the recipient's dependents.

As added by P.L.2-1992, SEC.13.

IC 12-19-1-21

Property tax levies prohibited

Sec. 21. Notwithstanding any other law, after December 31, 1999, a county may not impose any of the following:

(1) A property tax levy for a county welfare fund.

(2) A property tax levy for a county welfare administration fund.

As added by P.L.273-1999, SEC.62.

IC 12-19-1-22

Bonds and loans considered general obligations of counties

Sec. 22. (a) All bonds issued and loans made under IC 12-1-11 (before its repeal) or this article before January 1, 2000, that are payable from property taxes imposed under IC 12-19-3 (before its repeal):

(1) are direct general obligations of the county issuing the bonds or making the loans; and

(2) are payable out of unlimited ad valorem taxes that shall be levied and collected on all taxable property within the county.

(b) Each official and body responsible for the levying of taxes for the county must ensure that sufficient levies are made to meet the principal and interest on the bonds and loans at the time fixed for the payment of the principal and interest, without regard to any other statute. If an official or a body fails or refuses to make or allow a sufficient levy required by this section, the bonds and loans and the interest on the bonds and loans shall be payable out of the county general fund without appropriation.

As added by P.L.273-1999, SEC.63.